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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/774,886	02/09/2004	Solomon I. David	097229/0052	8793

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EXAMINER

LE, THANH TAM T

ART UNIT	PAPER NUMBER
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2839

DATE MAILED: 06/01/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/774,886

Applicant(s)

DAVID ET AL.

Examiner

Thanh-Tam T. Le

Art Unit

2839

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 17 March 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 37-44 and 46-50 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 37-44, 46-50 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. The RCE that filed on 3/17/06 is acknowledged.

Claim Objections

2. Claim 49, line 8, -- end of said data transmission cable, -- should be inserted after "other"

Double Patenting

3. The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. See *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent is shown to be commonly owned with this application. See 37 CFR 1.130(b).

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

4. Claims 37-44 and 46-48 are rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-13 of US 6,725,177 B2. Although the conflicting claims are not identical, they are not patentably distinct from each other because a first and a second jack, a first and a second adapter jack having an external contact and a microprocessor of the claimed invention are disclosed in US 6,725,177 B2.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 37-38, 40, 42-44, 46 and 48 are rejected under 35 U.S.C. 103(a) as being unpatentable over Czosnowski et al. (5,764,043) in view of Stanescu (6,784,802).

Regarding claims 37 and 44, Czosnowski et al., figures 1 and 8-11, disclose a data transmission cable (32) adapted for use in a system for determining a connection pattern of data ports, the data transmission cable comprising:

- a pair of jacks (116) at each end of the cable, respectively, each of the jacks adapted to mate with a corresponding socket (38) of a data port;
- a pair of adapter jackets (118) at the each end of the cable, each of the adapter jackets comprising an electrical contact (122) external to the data transmission cable, the electrical contact adapted to make electrical contact with a corresponding socket contact (82) when the jacks are mated with sockets; and
- a conductor (110) extending between, and electrically connected to each of the adapter jacket contacts.

Czosnowski et al. disclose the claimed invention as described above except for a microprocessor.

Stanescu, figure 1 shows a real time monitoring of cable patch panel having a

Local Monitoring Unit (LMU) that read on a microprocessor. It would have been obvious to one with ordinary skill in the art at the time the invention was made to provide Czosnowski et al. to have the LMU, as taught by Stanescu, in order to have the computer to keep the record of the positions of the connectors.

Regarding claim 38, the adapter jackets re separate from the cable and are constructed to be retrofit over an existing data transmission cable.

Regarding claim 40, the conductor is a copper wire.

Regarding claims 42 and 48, the data transmission cable is a conventional multiconductor cable having a plurality of conductors therein.

Regarding claim 43, each of the jacks is selected from SC jacks.

Regarding claim 46, the electrical contact comprising a movable contact pi slidably engaged within the adapter jacket.

7. Claims 37, 39, 41, 47 and 49-50 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kennedy et al. (5,695,365) in view of Stanescu (6,784,802).

Regarding claims 37, 39, 41, 47 and 49-50, Kennedy et al., figures 2-5, disclose a data transmission cable (30) adapted for use in a system for determining a connection pattern of data ports, the data transmission cable comprising:

- a pair of jacks (32) at each end of the cable, respectively, each of the jacks adapted to mate with a corresponding socket (16) of a data port;
- a pair of adapter jackets (40) at the each end of the cable, each of the adapter jackets comprising an electrical contact (110) external to the data transmission cable, the electrical contact adapted to make electrical contact

- with a corresponding socket contact (not shown) when the jacks are mated with sockets; wherein the electrical contact comprising a contact pin (124) slidably engaged in a barrel (cavities 48 and 54, figure 4) and a spring (56) adapted to fit within the barrel and designed to support the contact pin and provide tension to the contact pin when the contact pin makes electrical contact with the corresponding socket; and
- a conductor (38) extending between, and electrically connected to, each of the adapter jacket electrical contacts (column 3, lines 32-35).

Kennedy et al. disclose the claimed invention as described above except for a microprocessor.

Stanescu, figure 1 shows a real time monitoring of cable patch panel having a Local Monitoring Unit (LMU) that read on a microprocessor. It would have been obvious to one with ordinary skill in the art at the time the invention was made to provide Kennedy et al. to have the LMU, as taught by Stanescu, in order to have the computer to keep the record of the positions of the connectors.

Response to Arguments

8. Applicant's arguments with respect to claims 37, 44,49 and 50 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thanh-Tam T. Le whose telephone number is 571-272-2094. The examiner can normally be reached on 7:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, TC Patel can be reached on 571-272-2098. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Thanh-Tam T. Le
Primary Examiner
Art Unit 2839

TL.
05/27/06.